REMARKS

Formalities:

Applicants thank the Examiner for his kind cooperation in discussing the subject Office Action with Applicants' representatives. In view of these discussions, Applicants are herein providing an Amendment and response that is thought to resolve the objections and rejections cited in the October 18, 2004 Office Action.

Applicants kindly request the Examiner to indicate acceptance of the drawings in the next Office Action. Also, Applicants request that the Examiner provide a signed PTO Form 1449 indicating that the documents provided in the February 2, 2001 Information Disclosure Statement have been considered.

Claims:

Claims 1, 29, 31, and 32 are all the claims pending in the application. Claim 33 has been newly added. In the Office Action, claim 1 has been rejected under a non-statutory double patenting rejection in view of U.S. Patent No. 6,208,626. Applicants note that this claim has not been rejected under any cited art. Since this claim, and claim 29 (rejected under 35 U.S.C. 102(e) in view of Garner (U.S. Patent No. 6,42,739) include similar features, the Examiner is kindly requested to identify the patentable features of claim 1 in a non-Final Office Action. Further, to advance prosecution, Applicants have herein submitted a Terminal Disclaimer to remove the double patenting rejection.

Applicants have added new claim 33 to identify an embodiment of the present invention that includes the use of first and second transmission paths. These features are similar to those of claim 29. One path is for transmitting control data and the other path is for responding to the control data request and providing data such as high-speed voice, video, etc. In contrast, Applicants note that in related art systems, for example, a transmission technique such as polling uses a *common return transmission path* for both polling service requests, as well as impending data transfers (see present specification at page 2, lines 1-15).

In the Office Action, the grounds of rejection assume that support for using two paths is derived from using two different pieces of hardware to send two different signals (citing the modems - a BPSK modem 78 and a QPSK modem 102 in Figure 4). Applicants note that as discussed on page 34 of the present specification, the output of the modems are combined at combiner 80 before entering the transceiver 86, which outputs two separate modulated carriers. Applicants submit that the concept of multiple transmission paths - one for control data, and the other for data such as high-speed voice, video, etc., is broader that the particular hardware used. The concept of multiple paths is supported at numerous sections of the present specification as well as shown in Figure 1 (paths 10 and 12). The Examiner is further referred to Figures 10 and 11, as well as the present specification starting at page 26, last paragraph for a discussion of the influence of the satellite transponder in the path selection. Further, Applicants submit that the term "transmission path" would be understood by one of ordinary skill in the art.

With respect to the rejection of claim 29, the grounds of rejection state that Garner discloses transmitting control information on a first transmission path by the disclosure of

signaling using DPSK at 1687 bps, citing col. 74, lines 10-17. In general, this section discloses MET-ST and MET-SR *inbound* signaling channels. The Examiner states that the second transmission path is disclosed by the MET-C channel, citing col. 73, lines 55-67. Applicants note that the MET-C channel is for communicating from a MET to an FES.

Applicants respectfully submit that the combination of the MET-ST and MET-SR inbound signaling channels are for the purpose of the initial phase of establishing a call which is then used to assign a channel for communication from the MET to the FES (MET-C). As such, this citation would not be suggestive of transmitting control information via a first transmission path and high bandwidth data via a second transmission path as claimed. In fact the citation in the grounds of rejection to col. 21, lines 20-34 discloses the purpose of the MET-ST and MET-SR channels in Garner.

Additionally, the grounds of rejection cite a TDMA feature of the Garner system at col. 15, lines 49 to 59 as disclosing the feature of transmitting the control information on a first transmission path through the satellite only during a predetermined periodic time slot assigned to the remote earth station. While col. 15 of Garner discloses the general principle of TDMA, the grounds of rejection fail to show how TDMA is used with "control information", particularly in view of the MET-SR and MET-ST cited in the grounds of rejection as a transmission path for control information.

Accordingly, Applicants respectfully submit that the claims are in form for allowance. Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best

resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373
CUSTOMER NUMBER

Date: November 7, 2005